

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

WALTER L. WYATT,  
  
Plaintiff,  
  
v.  
  
CITY OF RICHLAND POLICE  
DEPARTMENT & OFFICERS D.  
CLARK, C. SMITH, J. TAYLOR,  
  
Defendants.

NO. CV-05-5013-EFS

**ORDER GRANTING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT,  
ENTERING JUDGMENT, AND CLOSING  
FILE**

Before the Court, without oral argument, is Defendants City of Richland Police Department's and Officers Clark, Smith, and Taylor's Motion for Summary Judgment (Ct. Rec. 35). Plaintiff did not respond to this motion.<sup>1</sup> The Local Rules warn parties that failure to file a timely memorandum may be considered by the Court as consent to entry of an adverse order. LOCAL RULE 7.1(h)(5) & (h)(b).

After reviewing the substance of the Defendants' Motion for Summary Judgment and in light of Plaintiff's failure to respond, **IT IS HEREBY**

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<sup>1</sup> On January 6, 2006, the Court entered an Order extending Plaintiff's response period and providing a second *Klingele* advisory, cautioning Plaintiff of the consequence of failing to file a response to Defendants' summary judgment motion. (Ct. Rec. 43.)

1 **ORDERED:** Defendants City of Richland Police Department's and Officers  
2 Clark, Smith, and Taylor's Motion for Summary Judgment (**Ct. Rec. 35**) is  
3 **GRANTED.** Given that Plaintiff's other claims were previously dismissed,  
4 **Judgment shall be entered in Defendants' favor with prejudice** (Fourth  
5 Amendment claims) **and without prejudice** (other claims previously  
6 dismissed). In addition, the Clerk's Office shall **CLOSE this file.**

7 **IT IS SO ORDERED.** The District Court Executive is directed to:

8 (A) Enter this Order and Judgment;

9 (B) Provide a copy of the Order to counsel and Plaintiff; and

10 (C) Close this file.

11 **DATED** this 27<sup>th</sup> day of January, 2006.

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13 S/ Edward F. Shea  
14 EDWARD F. SHEA  
United States District Judge

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